

**El Dorado County Board of Supervisors
Response to the
2024-25 El Dorado County Grand Jury Report
(Case 25-01: Elections: A Deeper Dive Into Voter Rolls and Drop Box
Security)**

Case 25-01: Elections: A Deeper Dive Into Voter Rolls and Drop Box Security

The Grand Jury has requested responses from the Board of Supervisors to All Findings and Recommendations.

Consistent with previous practice and pursuant to Board Policy A-11, the Chief Administrative Office is responsible for coordinating the County's response to the Grand Jury. Responses to the Grand Jury Report are directed by Board Policy A-11 and Penal Code 933.05. Accordingly, the Chief Administrative Office has reviewed and compiled the responses from all non-elected department heads into this Initial Draft Response for the Board's consideration.

FINDINGS

- F1. The Elections Department is required to accept new voter registrations and voter roll updates provided by the Secretary of State's office even though the Elections Department is aware that some of these County voters may not have the required driver's license or SSN and/or may not be citizens. The Elections Department places the registration in a pending status until identification details are provided whether the registration is online or mailed in, ensuring that an identifying number is recorded for every voter. The County relies on information provided by the voter to determine their citizenship status.

The Board of Supervisors agrees with the finding.

- F2. The Elections Department is doing an excellent job staying current with deceased voters and incorporating information from Social Security records and other sources. This is not a significant problem for the County despite initial evidence to the contrary.

The Board of Supervisors agrees with the finding.

- F3. There is inconsistency between Federal and State election codes regarding requirement for stating place of birth on a registration. State of California is not compliant with its own statutory requirement for a voter registration record to include the affiant's place of birth, by making the place of birth optional in the online voter registration form. The County cannot determine this information independently, and it is left blank in a significant number of voter records. This conforms with Federal election mandates and requires no new action by the County.

The Board of Supervisors disagrees wholly with the finding.

Elections Code 2154(d) states, "The affiant's failure to furnish his or her place of birth shall not preclude his or her affidavit of registration from being deemed complete."

- F4. The Elections Department regularly checks and identifies voter registrations that incorrectly list a post office box location as an actual residence. These checks are sporadic, and they had not identified all instances at the time of our analysis.

The Board of Supervisors disagrees partially with the finding.

A mail drop box location may be used by voters to receive their mail, including their ballots, but a physical residential address is required for valid registration. Occasionally a voter incorrectly lists their mail drop box location as their physical address. If the mail drop box location is known by the Elections Department, the system identifies the location as an invalid residence address and will flag the registration for review. However, there is no automatic mechanism that notifies the Elections Department when a new mail drop location is established, so the Elections Department proactively seeks this information from the United States Postal Service to add these addresses to the system. This has been done periodically in the past, but the Elections Department has established a procedure to get this information from the Postal Service quarterly and add any new addresses to the system.

- F5. The Elections Department cannot update ex-patriated voter registrations even though they have not lived in the U.S. for many years. These voters have the right to participate in U.S. elections and use their last primary residence as a location to determine their ballot. This may allow voters to participate in local races for which they have no knowledge, interest or involvement.

The Board of Supervisors agrees with the finding.

- F6. Outdoor ballot drop boxes are vulnerable to physical attacks such as inserting an incendiary device that would cause a large loss of ballots. Fire retardants and increased patrols and video surveillance could alleviate concerns but would require additional funding and may not completely eliminate potential problems.

The Board of Supervisors agrees with the finding.

RECOMMENDATIONS

- R1. Within 180 days of the release of this report, the Board of Supervisors direct the Elections Department to license and use a more powerful voter registration database query and analytics software that will facilitate their ability to identify, research, and address any voter registration anomalies with reduced effort. Fiscal impact: approximately \$20,000 per year.

The recommendation will not be implemented because it is not warranted.

This recommendation will not be implemented due to State and federal law dictating how the Secretary of State and county election officials maintain voter rolls, including the removal of voters. (See 52 U.S.C. §§20501 to 20511 and Elections Code, §§ 200-2227.) The El Dorado County Elections office diligently maintains voter rolls using the most recent data available from various government agencies. The use of proprietary computerized data-matching programs using unknown methodologies and datasets is outdated and error-prone, in contrast to the daily VoteCal data updates that occur through the state.

- R2. Within 180 days of the release of this report, the Board of Supervisors direct the Elections Department to confirm whether place of birth is a required data field in a valid registration and request the State to either update Elections Code Section 2150(a)(6), or make the field required in online registration forms and resolve the inconsistency with Federal code.

The recommendation will not be implemented because it is not warranted.

California Elections Code 2150(a)(6) makes reference to the field of the state or country of the affiant's birth being on the affidavit of registration but does not state the field must be completed. Elections Code 2154(d) states, "The affiant's failure to furnish his or her place of birth shall not preclude his or her affidavit of registration from being deemed complete." There doesn't appear to be an inconsistency within the Elections Code.

- R3. Within 180 days of the release of this report, the Board of Supervisors direct and enable the County Elections Department to implement a plan for increased drop box security and surveillance against physical attacks, including reimbursing the Sheriff's Office for any required support they need to provide. Fiscal impact: approximately \$80,000 per year

The recommendation has been implemented.

The Elections Department partnered with the Sheriff's Office to implement video surveillance at drop boxes without any surveillance, including those in remote areas. For drop boxes in outlying locations, solar-powered video surveillance was temporarily set up starting the day ballots were mailed for the November general election and remained active until polls closed on Election Day. The Elections Department will continue to collaborate with the Sheriff's Office to enhance the safety and security of future elections.

- R4. Within 180 days of the release of this report, the Board of Supervisors direct the County Elections Department to address the small number of voter registrations with a single character first name and no middle name by requesting an update to their information or moving to remove them from the voter roll.

The recommendation will not be implemented because it is not warranted.

Elections Code 2154(a) states, "If no middle name or initial is shown, it shall be presumed that none exists." There is no provision in the Elections Code to permit the Elections Department to contact voters to question the validity of their legal name. This may be perceived as voter harassment.

- R5. Within 180 days of the release of this report, the Board of Supervisors direct the Elections Department to periodically review out-of-state voter registrations as time allows to determine if any are eligible to be revised or removed from the voter roll.

The recommendation will not be implemented because it is not warranted.

The Board does not intend to “direct the Elections Department” to perform the periodic reviews noted. However, the Elections Department will complete a one-time review of out-of-state mailing addresses for voters and will perform outreach to those voters to give them an opportunity to make any necessary updates to their registration. Should this effort indicate additional reviews are warranted, the Department will conduct those reviews as deemed necessary by the Registrar of Voters.